

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53 (b))

<b>Attorney Docket No.</b>		81097/7114
<b>First Inventor</b>		Unger
<b>Title</b>	APPARATUS AND METHOD FOR USE IN PROVIDING DYNAMIC BIT RATE ENCODING	
<b>Express Mail Label No.</b>		EV322440461US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 26]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath or Declaration [Total Pages 3]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: Specification Cover Sheet

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

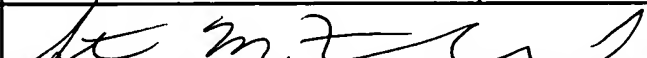
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application Nos.: \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	37123		OR	<input type="checkbox"/> Correspondence address below
<b>Name</b>				
<b>Address</b>				
<b>City</b>	<b>State</b>	<b>Zip Code</b>		
<b>Country</b>	<b>Telephone</b>	<b>Fax</b>		
<b>Name (Print/Type)</b>	Steven M. Freeland	<b>Registration No. (Attorney/Agent)</b>	42,555	
<b>Signature</b>			<b>Date</b>	November 12, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

16834 U.S. PTO  
10/712696  
11/12/03

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2004</h2> <p style="margin: 0; font-size: small;">Effective 10/01/2003. Patent fees are subject to annual revision. Express Mail Label No.: EV322440461US</p>		<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">Not Yet Assigned</td> </tr> <tr> <td>Filing Date</td> <td>November 12, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Unger</td> </tr> <tr> <td>Examiner Name</td> <td>Not Yet Assigned</td> </tr> <tr> <td>Art Unit</td> <td>Not Yet Assigned</td> </tr> <tr> <td>Attorney Docket No.</td> <td>81097/7114</td> </tr> </table>		Application Number	Not Yet Assigned	Filing Date	November 12, 2003	First Named Inventor	Unger	Examiner Name	Not Yet Assigned	Art Unit	Not Yet Assigned	Attorney Docket No.	81097/7114
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<b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$)</b> 810.00															

<p><b>METHOD OF PAYMENT (check all that apply)</b></p> <p> <input type="checkbox"/> Check    <input type="checkbox"/> Credit Card    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other    <input type="checkbox"/> None         </p> <p> <input checked="" type="checkbox"/> Deposit Account         </p> <p>           Deposit Account Number: 06-1135            Deposit Account Name: Fitch, Even, Tabin &amp; Flannery         </p> <p>The Director is authorized to: (check all that apply)</p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below    <input checked="" type="checkbox"/> Credit any overpayments  <input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)  <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.         </p> <p style="text-align: center;"><b>FEE CALCULATION</b></p> <p><b>1. 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EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>20</td> <td>-20**=</td> <td>0</td> <td>X</td> <td>18.00</td> <td>0.00</td> </tr> <tr> <td>3</td> <td>-3**=</td> <td>0</td> <td>X</td> <td>86.00</td> <td>0.00</td> </tr> <tr> <td colspan="5">Multiple Dependent</td> <td></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>86</td> <td>2201</td> <td>43</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>290</td> <td>2203</td> <td>145</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204</td> <td>86</td> <td>2204</td> <td>43</td> <td>**Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td><b>(\$)</b> 0.00</td> </tr> </tbody> </table>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)			1001	770	2001	385	Utility filing fee	770.00	1002	340	2002	170	Design filing fee		1003	530	2003	265	Plant filing fee		1004	770	2004	385	Reissue filing fee		1005	160	2005	80	Provisional filing fee		<b>SUBTOTAL (1)</b>					<b>(\$)</b> 770.00	Total Claims		Extra Claims		Fee from below	Fee Paid	20	-20**=	0	X	18.00	0.00	3	-3**=	0	X	86.00	0.00	Multiple Dependent						Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)			1202	18	2202	9	Claims in excess of 20		1201	86	2201	43	Independent claims in excess of 3		1203	290	2203	145	Multiple dependent claim, if not paid		1204	86	2204	43	**Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>					<b>(\$)</b> 0.00	<p><b>3. 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1252	420	2252	210	Extension for reply within second month																																																																																																																																																																																																																																																																																																																					
1253	950	2253	475	Extension for reply within third month																																																																																																																																																																																																																																																																																																																					
1254	1,480	2254	740	Extension for reply within fourth month																																																																																																																																																																																																																																																																																																																					
1255	2,010	2255	1,005	Extension for reply within fifth month																																																																																																																																																																																																																																																																																																																					
1401	330	2401	165	Notice of Appeal																																																																																																																																																																																																																																																																																																																					
1402	330	2402	165	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																																																																					
1403	290	2403	145	Request for oral hearing																																																																																																																																																																																																																																																																																																																					
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																																																																					
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																																																																																					
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																																																																																																																																																																					
1501	1,330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																																																					
1502	480	2502	240	Design issue fee																																																																																																																																																																																																																																																																																																																					
1503	640	2503	320	Plant issue fee																																																																																																																																																																																																																																																																																																																					
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																																																					
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																																																																																																																																					
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																																																					
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00																																																																																																																																																																																																																																																																																																																				
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																																																																																																					
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																																																																																																					
1801	770	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																																																																					
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																																																																					
Other fee (specify) _____																																																																																																																																																																																																																																																																																																																									
<b>SUBTOTAL (3)</b>					<b>(\$)</b> 40.00																																																																																																																																																																																																																																																																																																																				

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			
Name (Print/Type)	Steven M. Freeland	Registration No. (Attorney/Agent)	42,555	Telephone	858-552-1311
Signature				Date	November 12, 2003

**WARNING: Information in this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.